

AMENDMENT TO THE HOUSING ELEMENT OF THE MASTER PLAN AND FAIR SHARE PLAN

**TOWNSHIP OF EAGLESWOOD
OCEAN COUNTY, NEW JERSEY**

DECEMBER 16, 2008

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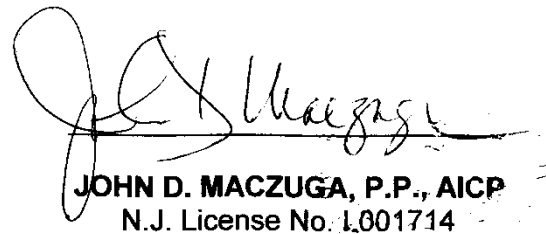
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**LAND USE BOARD
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COUNCIL ON AFFORDABLE HOUSING

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Adopted by the Eagleswood Township Land Use Board on December 16, 2008. The original of this document was signed and sealed in accordance with the applicable statute and is on file with the Land Use Board Secretary of the Township of Eagleswood.

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I. Introduction

The Eagleswood Township Land Use Board adopted its most recent Housing Plan Element of the Master Plan by resolution 2006-09 on February 14, 2006. This document, entitled *Master Plan Housing Element and Fair Share Plan*, prepared by Schoor DePalma Inc., was subsequently endorsed by the Township Committee and memorialized by Resolution 2006-78 on February 27, 2006.

As a result of litigation initiated in 2003 (*KJ & J Associates v Township of Eagleswood and Planning Board of the Township of Eagleswood*) and the subsequent settlement agreement approved by the Court in September, 2005, the Township was required to develop a Housing Element and Fair Share Plan addressing its affordable housing obligation as set forth in Council on Affordable Housing (COAH) regulations. The 2006 Housing Element and Fair Share Plan addressed the Township's entire 1987 to 2014 affordable housing obligation in accordance with the COAH's prevailing regulations though continuing under the jurisdiction of the Court and the Court Appointed Master.

The Township's 2006 Housing Element and Fair Share Plan was submitted to the Court Appointed Master for review. While under the Court Master's review, significant changes occurred in COAH's regulations and the Township has become aware of previously unknown State agency regulatory changes impacting the development of affordable housing within the Township.

Following the adoption of the 2006 Housing Element and Fair Share Plan, the New Jersey Appellate Division in 2007 invalidated substantial portions of the COAH regulations which required a substantial overhaul of COAH's regulations. COAH adopted new Substantive Rules effective June 2, 2008 and amended again October 20, 2008. The new third round regulations modified the entire "growth share" methodology and the Township's obligation and therefore requiring changes to the Township's Housing Element and Fair Share Plan.

In 2003 the Township received "Center Designation Approval" from the New Jersey State Planning Commission for the "West Creek Village." During the course of the Court Master's review, it has been determined that although the New Jersey State Planning Commission and the Office of Smart Growth continue to recognize the West Creek Village Center, the New Jersey Department of Environmental Protection (NJDEP) never accepted the State Planning Commission designation. Therefore for the purposes of all NJDEP permitting programs, there are no approved centers in Eagleswood Township. The entire Township outside of the protected Pinelands areas (i.e. all of the Township east of the Garden State Parkway) is located within the "Coastal

Area” regulated under the Coastal Area Facility Review Act (CAFRA) and therefore under NJDEP jurisdiction. The underlying Planning Area designation pursuant to the State Development and Redevelopment Plan (SDRP) for the entire area of the Township east of the Garden State Parkway is Planning Area - 4 (Rural Planning Area) and Planning Area -5 (Environmentally Sensitive). Pursuant to CAFRA rules all development (residential and non-residential) requiring a CAFRA permit in PA-4 designated areas would be subject to a maximum impervious coverage of 3% and a 70% forest preservation requirement, which precludes the development of affordable housing. PA-5 (Environmentally Sensitive) designated areas are generally undevelopable at any intensity. (Development in NJDEP approved centers would be subject to a maximum 70% impervious coverage requirement permitting the development of affordable housing.)

Based upon the foregoing, only development not requiring a CAFRA permit, i.e. developments of 24 or less housing units, 49 or less parking spaces, etc. are potentially approvable anywhere in Eagleswood Township.

The opportunity for the development of affordable housing in Eagleswood Township is further limited by the availability of vacant developable land with realistic access to existing or extendable public sanitary sewer facilities. During the course of the Court Master’s review of the 2006 Housing Element and Fair Share Plan documentation as to the limits of the NJDEP approved sewer service area was requested. Contact with the Township, the Ocean County 208 Water Quality Management Plan Coordinator, and the Ocean County Utility Authority indicated that there was no approved Wastewater Management Plan for Southern Ocean County. Upon contacting NJDEP it was determined that, unbeknownst to local and county agencies responsible for the provision of sewer service in the Township, NJDEP on October 11, 2006 adopted by rule, sewer service area mapping for significant areas of the State, including Ocean County and Eagleswood Township. The adopted sewer service area plan for the Township does not include any of the three designated inclusionary affordable housing sites contained in the 2006 Housing Element and Fair Share Plan thus calling into question the suitability and approvability of these sites and necessitating revision of the Township’s Compliance Plan.

Based upon the above amendment to the Township’s Housing Element and Fair Share Plan is necessary. This document shall constitute an amendment to the Master Plan Housing Element and Fair Share Plan adopted by the Land Use Board on February 14, 2006. The 2006 Plan and supporting information remain in full force and effect except as otherwise amended herein.

This amendment to the Housing Element and Fair Share Plan is intended to address the Township’s “fair share obligation” in accordance with the

Substantive Rules of the Council on Affordable Housing found at N.J.A.C. 5:93 and N.J.A.C. 5:97.

II. Fair Share Obligation

Pursuant to N.J.A.C. 5:97-2.2 a Municipality's fair share obligation is the sum of the following components discussed separately below.

- The rehabilitation share
- The prior round obligation
- The growth share obligation

A. Rehabilitation Share

The rehabilitation share of the Township's fair share obligation is the number of existing units, as of April 1, 2000 (the date of the 2000 U.S. Census) determined to be deficient and occupied by low and moderate income households by the methodology utilized by COAH. Based upon Appendix B in N.J.A.C. 5:97, the Township's total rehabilitation share is 2 units.

B. Prior Round Obligation

The Township's prior round obligation is the cumulative 1987 through 1999 obligation assigned to each Municipality within the State. Per Appendix C in N.J.A.C. 5:97 the Township's prior round obligation is 36 units. As detailed in Section III.B. below, the Township is seeking a realistic development potential adjustment to its prior round obligation.

C. Growth Share Obligation

COAH regulations provide that a Municipality's growth share obligation for the period January 1, 2004 through December 31, 2018 shall initially be based upon projections developed and adopted by COAH of household and employment growth within the Municipality. The projected growth share obligation is determined by applying a ratio of one affordable unit among five residential units (1 affordable unit for every 4 market rate units) plus one affordable unit for every 16 new jobs created to the household and employment growth projections. Appendix F of N.J.A.C. 5:97 assigns a low and moderate income housing growth share obligation of 109 units based upon COAH projections of 163 new housing units to be built and the creation of 1225 new jobs. As detailed in Section III.C. below, the Township is seeking a downward adjustment to its projected growth share obligation.

III. Fair Share Compliance Plan

A. Rehabilitation Share

As cited above, COAH regulations have determined the Township's rehabilitation share obligation to be 2 units. Township residents are eligible to participate in the Ocean County CDBG and HOME housing rehabilitation programs. Ocean County reports that between 2000 and the present, one (1) unit was rehabilitated under the County program at a hard cost of \$11,875. All units rehabilitated under the County program have 10 year affordability controls. The Township is entitled to one credit towards its 2 unit rehabilitation share obligation. It is anticipated that a minimum of one additional qualifying unit will be rehabilitated under the Ocean County program between 2008 and 2018 thereby satisfying the rehabilitation share obligation.

B. Prior Round Obligation

As set forth above the Township's prior round obligation is 36 units. The following Table excerpted from the 2006 Housing Element and Fair Share Plan summarizes the prior Compliance Plan:

Table 1 – 2006 Compliance Plan Summary		
Fair Share Plan Project / Provision	Number of Credits	Notes
Site #1 - KJ&J	0	Monetary Contribution Site
Site #2 - Portion of Sea Pirate Campground	17	Durational Adjustment
Site #3 - Block 23, Lot 19	2	Durational Adjustment
Site #4 - Block 42, P/O Lot 12 located in center	4	Durational Adjustment
Vacant Land Adjustment	13	Based on RDP within Center Boundary
Growth Share Ordinance (Projection)	2	Variable
Accessory Apartment Program	6	Funded by Site #1 and anticipated revenues
Regional Contribution Agreement	6	Funded by Site #1
Third Round Rental Bonus Credits	0	Potential Bonus Credits for Accessory Apartments

Rehabilitation	0	Not Required
Total Number of Credits	50	

The 2006 Housing Element and Fair Share Plan summarized above was prepared predicated upon a rehabilitation obligation of zero, a prior round obligation of 36, and a projected growth share obligation of 14 for a total fair share obligation of 50 units.

As cited in Section I. herein, circumstances have changed significantly since the preparation of the Township's 2006 Compliance Plan. COAH was forced to make substantial revisions to its 3rd round substantive rules which included an increase in the Township's rehabilitation obligation from zero to two (2) units and increased the growth share obligation projection by a factor of eight from 14 to 109 units. Equally as important are the recent determinations concerning the non-recognition by NJDEP of the West Creek Village Center and the rule adoption in October of 2006 of the Southern Ocean County Wastewater Management Plan establishing the limits of potential sewer service in Eagleswood Township. These events necessitate substantial revisions to the 2006 Housing Element and Fair Share Plan.

The Township's Compliance Plan to satisfy a substantial portion (23) of the 36 unit prior round obligation included 3 inclusionary zoning sites (Sites #2, #3 and #4) which were proposed to be rezoned to permit multi-family development at a density of 6 dwelling units per acre with a 20 % set aside. All three sites were located in the approved West Creek Village Center. However, since sewer service was not readily available, the Compliance Plan sought a durational adjustment for these sites. Based upon the fact that all three sites are outside of the approved sewer service area and the non-recognition of the West Creek Village Center, these sites can no longer be considered realistically suitable for the production of affordable housing and are, therefore, removed from the Township's Compliance Plan. Affordable Housing Site #1 has received all approvals and is presently under construction and has made the required payments-in-lieu in accordance with the Court approved settlement agreement.

The 2006 Housing Element and Fair Share Plan called for the remainder (13 units) of the Township's prior round obligation to be satisfied via a vacant land adjustment based upon an analysis of vacant land within the approved West Creek Village Center. This analysis determined the only viable sites within the designated center were Affordable Housing Sites #2, #3, and #4 discussed above and, therefore, the Township was entitled to the downward adjustment.

Based upon direction of the Court Master, the Township commissioned its Planning Consultants, Schoor DePalma Inc., in early 2007, to prepare a revised Master Plan Housing Element and Fair Share Plan to address its prior round obligation and to include an analysis of vacant properties in the approved sewer service area as well as the designated West Creek Village Center. This draft Revised Master Plan Housing Element and Fair Share Plan was **not** adopted by the Eagleswood Township Land Use Board or endorsed by the Township Committee. However, the vacant land use analysis contained therein serves as the basis for the land capacity analysis relied upon in this document.

Table 2 below, excerpted from the May 2007, *Draft Revised Master Plan Housing Element and Fair Share For Substantive Certification Under Second Round Rules*, prepared by David G. Roberts PP,AICP and Amy Citrano, PP,AICP, of Schoor DePalma Inc. provides a complete inventory of all vacant properties of .8 acres in area or greater, and contiguous vacant properties with a cumulative area of .8 acres or greater, located in the approved sewer service area, the designated West Creek Village Center, or both.

Table 2 Vacant Land Inventory					
BLOCK	LOT	OWNER	ACRES	LOCATION	NOTES
1	119	Richard Ann Benn Family	3.10	In the Center, Outside the SSA	Contiguous, privately-held vacant land: totals approximately 14 acres
1	p/o 119.01	Sea Pirate Light Campsite Inc.	p/o 36 acres		
1	119.02	Richards Ann Benn Family	0.25		
1	p/o 120	Richards Ann Benn Family	p/o 74.74 acres		
3	1	Benn Patrick and David	0.90		
1	121.02	Cestone Rudolph	113.50	-	Vacant and privately held; however, the land is slated to be purchased by Ocean County. According to the Ocean County Planning Department, a closing of title transfer is anticipated in February 2006.
23	18	Wincey Jeanne	0.22	In the Center, Outside the SSA	Contiguous, privately-held vacant land: totals approximately 5.8 acres
23	19	Cordrey WM Howard & Pauline	2		
23	20.02	Bissett Randall & Patricia	0.54		

23	31	Johnson Charles E & Nancy G.	3		
42	12	Higman Charles	p/o 3.9 acres	-	Received subdivision approval
42	13	Higman Charles and Nada	p/o 13.2 acres	-	Received subdivision approval
42	9	Buckley Sheryl L.	0.44	In the Center, Outside the SSA	Contiguous, privately-held vacant land; totals approximately 9 acres
42	11	Rutter David R. & Linda	9.00		
42	33	-	0.01		
1	144	Rinaldi Michael	0.34	In the Center, partially in the SSA	Contiguous, privately-held vacant land; totals more than 0.8 acres
1	p/o 146	Rinaldi Michael	2.63		
1	146.03	-	-	-	Vacant and privately held; however, the land is slated to be purchased by Ocean County. According to the Ocean County Planning Department, a closing of title transfer is anticipated in February 2006.
31	1	Frager Jeffrey and Cheryl	0.76	Outside the Center, inside the SSA	Contiguous, privately-held vacant land; totals more than 0.8 acres
31	2	Ariemma Anthony	0.46		
4	p/o 261	-	-	Outside the Center, within the SSA	Vacant and privately held; Irregular-shaped - lacks street frontage and access
4	p/o 260	961 Main St. LLC	26.00	-	Received subdivision approval
4	261	-	-	Outside the Center, partially within the SSA	Vacant and privately-held; Irregular-shaped - lacks street frontage and access
4	p/o 211	KJ & J Associates Inc.	42.90	-	Received subdivision approval
30	38	McKelvy Theodore and Patricia	1.71	-	Vacant and privately-held - access to Cemetery Ave.
30	3	Thomas Wayne	3	-	Vacant and privately-held- fronts Route 9
32	p/o 1		p/o 10.75 acres	Outside the Center, within the SSA	Contiguous, privately-held vacant land; access to Swamp Road
32	p/o 2		p/o 64 acres		
32	p/o 41	Kalsch OCA School	p/o 80 acres		

Site inspections were conducted of a number of the properties listed in the above inventory of vacant sites. Block 1, Lots 1 & 2 are no longer vacant, having been developed with 2 detached single family residences. In addition, Block 30, Lot 3 is not vacant but is utilized for the storage of material associated with fencing business on the adjoining Lot 1.

Similarly, although overlaying the NJDEP sewer service area over Township parcel mapping would appear to place portions of Block 32, Lots 1, 2, and 41 in the sewer service area, it is clear the intent was to follow the limits of Blocks 30 & 31, consequently these sites can be eliminated as not within the sewer service area.

The fact that when the approved sewer service area is overlayed on the Township's parcel mapping resulting in a narrow strip within the sewer service area across portions of Block 4 east of Route 9 , but not contiguous with U.S. Route 9 can not be interpreted as placing these in the approved sewer service area.

As cited previously, since NJDEP does not recognize the West Creek Village Center the fact that a site on the vacant land inventory above may be located in the designated center, is meaningless in terms of its viability and suitability as a potential affordable housing site. **No site in Eagleswood Township, notwithstanding its location within the designated center or the approved sewer service area, is developable, as a practical matter, under CAFRA regulations for development in excess of 24 dwelling units due to the maximum impervious coverage and 70% forested area retainage requirements.** Therefore, only two criteria need be applied to the remaining sites in the above inventory of vacant properties – whether the site is located within the approved sewer service area and can the proposed development physically connect to the existing sanitary system; and can the proposed development, in terms of its size and scope, financially support the extension of sanitary sewer service to the site.

After eliminating sites and portions of sites as described above and applying the criteria in the preceding paragraph to the remaining sites, there are currently no viable vacant sites within the Township of Eagleswood that can realistically be expected to produce affordable housing through inclusionary zoning. Based upon this analysis, the Township's realistic development potential is zero, and therefore, entitled to a vacant land adjustment for its entire 36 unit prior round obligation. Measures to address this unmet need are detailed in Section IV. below.

C. Growth Share Obligation

COAH growth share projections (2004-2018) for the Township provide for projected residential growth of 163 dwelling units and employment growth of 1225 new jobs. The residential growth projection generates a 41 unit low and moderate income housing growth share obligation and the non-residential projection a 68 unit obligation.

The Township believes actual residential growth will ultimately prove to be significantly lower than the COAH projected figure of 163 units, however, this will be addressed at the time of the initial plan evaluation reporting. For the 2004 through July, 2008 (roughly 5 years) 64 units were issued certificates of occupancy and 10 units demolished during the same period for a net growth of 54 units.

Pursuant to N.J.A.C. 5:97-5.6(a) the Township seeks an adjustment to the non-residential component of its growth share projection. COAH projections of 1225 newly created jobs bear no relation to the reality non-residential real estate development in Eagleswood Township. As cited earlier, there is no location in Eagleswood Township that can be practically developed for a non-residential use or that exceeds any of the thresholds (e.g. 50 or more parking spaces) due to the necessity of a CAFRA permit and the limitations of 3% impervious coverage and 70% forest retainage. Historic data further illustrates that the projection is illogical. Based upon NJDCA data, in the roughly 13 year period 1995 through July of 2008, a total of 3 non-residential facilities received certificates of occupancy including: a 2969 square feet of R-1 Construction (1998); 1,105 square feet of office (2007); and 2,400 square feet of storage (2007). Applying COAH's current conversion factors to this historic data, the Township would be responsible for a growth share obligation of 0.66 affordable units for the 13 year period. The Township's actual non-residential growth share obligation to date (2004 through July , 2008) is 0.34 units. Projecting this to rate through 2018 would yield a non-residential growth share obligation of approximately 1.02 affordable units. The 2006 Housing Element and Fair Share Plan projected a 2 unit non-residential growth share obligation. The Township maintains its claim to this projection and seeks a reduction in its non-residential growth share projection for planning purposes from 68 to 2 units.

Based upon the foregoing, the Township's Compliance Plan seeks to satisfy a projected 43 unit growth share obligation and to reduce its 36 unit unmet need from the prior round to the greatest extent practicable.

The following Table 3 summarizes the Township's Compliance Plan to satisfy its projected adjusted growth share obligation:

Table 3 – Adjusted Growth Share Compliance Plan Summary		
Program	# Units/Credits	Comments
1. Dolan Inclusionary Development - Block 32, Lots 1&2	1	
2. Market to Affordable Program	10	
3. Accessory Apartments	10	6 units - very low income
4. Affordable Housing Site #1 -Block 4, P/O Lot 211	0	Contributory/Payment-in-lieu Site
5. Affordable Housing Site #5 - Block 30, Lots 3,4 & 5 Family Rental	12	
6. Growth Share Zoning Remainder of Township	13	
7. Compliance Bonus Units		
a. Dolan	1	
Total	47	

The following describes and details the individual components of the Township's Compliance plan to satisfy its projected growth share obligation:

1. Dolan Inclusionary Development (Block 32, Lots 1&2)

The Land Use Board on July 11, 2006 adopted a resolution approving the subdivision of Block 32, Lots 1 & 2, a 72 acre tract located in the R-5A Zone into 13 lots of 5 acres or greater, to accommodate 13 detached single family dwelling units with building lot to contain the storm water drainage basin. The applicant agreed to set aside one unit as an affordable 3 bedroom unit with 30 year affordability controls. Based upon the Land Use Boards review and approval the site is suitable and approvable. The Township claims one credit and a compliance bonus credit for this project pursuant to N.J.A.C. 5:97-3.17.

2. Market to Affordable Program

The Township proposes to implement a market to affordable program for a ten (10) units consistent with the requirements of N.J.A.C. 5:97-6.9.

The Township's market to affordable program will be geared to produce 5 low and 5 moderate income units with a minimum Township contribution of \$25,000 for each moderate income unit and \$30,000 for each low income unit. The program is to be funded from the Township's Affordable Housing Trust Fund. A substantial portion of the funding to support the program which has been received from the settlement and subsequent commencement of construction of Affordable Housing Site #1, KJ&J. The Township will adopt a resolution of intent to bond in the event there is any shortfall in the Trust Fund. The Township intends to adopt model program forms and manuals provided by COAH.

3. Accessory Apartment Program

As proposed in the 2006 Housing Element and Fair Share Plan, the Township intends to implement an accessory apartment program consistent with the provisions of N.J.A.C. 5:97-6.8. The Township's current plan would increase the number of accessory apartment units to be provided under the program from 6 to 10. The program would also be geared to provide 6 very low income units and 4 low income units and the proposed subsidies of \$30,000 for the very low income units and \$25,000 for the low income units. The program would be funded from the Township's Affordable Housing Trust Fund. The Township will adopt a resolution of intent to bond in the event of any shortfall in the Township's Trust Fund. The draft accessory apartment ordinance was included as part of the 2006 Housing Element and Fair Share Plan.

4. Affordable Housing Site #1

This payment-in-lieu of onsite set aside site was included in the Township's 2006 Housing Element and Fair Share Plan and is unchanged by this amendment.

5. Affordable Housing Site #5 (Block 30, Lots 3,4 and 5)

This location, consisting of 3 separate tax parcels under three separate Owners, is located on the west side of Route 9, to the immediate south of Eagleswood Village Mobile Home Park. The site is shown on the Environmental Site Analysis Map, Affordable Housing Site #5 contained in Appendix A. Lot 3 is slightly under 3 acres in size and is presently utilized for the storage of materials used in conjunction with the fence company operating on adjoining Lot 1. Lot 4 approximately one half acre in size lies between, is completely surrounded by Lots 3 and 5, and bears a detached single family dwelling. Lot 5 is approximately 3 acres in size and currently bears a small commercial building. These are the only properties identified Township wide that can be realistically connected to sanitary sewer facilities. The Township owns an existing 8 inch sanitary sewer line in Dinner Point Avenue which connects to the OCUA interceptor further to the east. This line

was constructed in 1984 to serve the Eagleswood Mobile Home Park. An existing manhole is located in the vicinity of Route 9 at Dinner Point Avenue opposite these properties. All three properties are located completely within the approved sewer service area.

The Township proposes to rezone the properties for multi-family housing at a density of eight (8) dwelling units per acre with a 25% set aside. Provided Lots 3 & 5 are developed separately by different developers (Lot 4 would be included in the development of either Lot 3 or 5) it is possible to develop 2 -24 unit multi-family developments potentially yielding a total of 12 affordable units. Additional incentives would be provided to the developer(s) to promote the construction of family rental units.

The sites are not impacted by any wetlands or wetlands buffers. The sites are located adjacent to the existing mobile home park on the north, single family residential development along Cemetery Road on the west and south, and commercial development to the south along Route 9. The proposed multi-family residential development of the subject properties for a maximum of 48 units is compatible with surrounding land uses. Based upon the foregoing the Land Use Board determines that these sites are suitable for development as proposed herein.

6. Growth Share Zoning

In order that the production of affordable housing within the Township keeps pace with overall residential development, the Township proposes to amend its zoning whereby any residential subdivision involving the creation of 4 or more residential building lots in any zone, would be required to set aside affordable units in the development at the rate of one affordable unit for every four market rate units. Provisions would be added to protect against creeping subdivisions. Market rate units above any number divisible by four would be subject to the mandatory residential development fee. As an incentive/compensating benefit to the developer, any residential subdivision containing on on-site set aside would be entitled to a 40% increase in the number of building lots that would otherwise be permissible pursuant to the underlying zoning. Reduced bulk standards for lots created under this development scenario would be developed to allow for the 40% bonus density increase. If residential growth in the Township occurs at the levels projected by COAH it is anticipated that this technique would produce 13 or more affordable units between 2009 and 2018. Any excess affordable units produced would go to offset the unmet prior round obligation.

Rental Housing Requirement

The Township's rental requirement for its growth share obligation is established pursuant to N.J.A.C. 5:97- 3.12(b)2. where the *rental requirement = 25 percent (Growth Share Obligation*. Therefore, the Township's growth share rental obligation is 25% (43 units) = 10.75 (11) units. Referencing Table 3, the Township intends to meet its obligation through a 10 unit accessory apartment program and by providing additional incentives to insure that as a minimum one half of Affordable Housing Site #5 is developed as family rental. In the event the entire site is developed as family rental the Township may be entitled to rental bonus credits.

Age - Restricted Units

The maximum number of age-restricted unit credits the Township may claim towards its growth share obligation is established by the formula contained in N.J.A.C. 5:97-3.12(c)3. as follows: *Age-Restricted Maximum = 25% (Growth Share – Transferred or Proposed RCA Units Addressing the Growth Share Obligation)* or $25\% (43 - 0) = 10.75 (11)$ units. The Township's growth share obligation plan does not contain any components specifically earmarked as age-restricted units and therefore meets this requirement. However, the Township intends to negotiate with the Owner of Eagleswood Village Mobile Home Park in an effort to enter into an agreement to restrict a number of units, as ownership changes, as at least part of the Township's market to affordable program.

Very Low-Income Housing Requirement

As a result of the July, 2008 amendment to the Fair Housing Act, a minimum of 13% of the Township's growth share obligation must be available for very low income households. Based upon this requirement, six (6) units of the Township's 43 unit growth share obligation is required to be available to very low income households. The Township intends to meet this requirement by reserving 6 of the 10 units proposed as part of its accessory apartment program for very low income households. Very low income accessory apartments are to receive an additional \$5,000 subsidy under the Township's Program.

IV. Unmet Need

As detailed in Section III.B., the Township is seeking a vacant land/land capacity adjustment to its prior round obligation to zero. The Township intends to pursue the various providers of special needs housing in an effort to locate one or more small scale facilities within the Township. Should these efforts be successful the Township would seek these credits to be applied to its unmet prior round obligation.

The Township also anticipates that the 41 unit residential growth share projection is excessive and when actual growth data is utilized during the course of the mandatory review periods the Township's growth share compliance plan will yield excess units that can be credited toward its unmet prior round obligation.

V. Spending Plan

A. Current Status

The Township of Eagleswood has enacted a mandatory development fee ordinance and has collected fees resulting from this source since 2006. In addition, the Township has collected a total of approximately \$231,000 of a total of \$400,000 due the Township pursuant to the settlement agreement with KJ &J.

The Township's current housing trust fund balance, as of 10/31/08 stands at \$251,978. The monies are held in a dedicated interest bearing account. All funds expended from this account are required to be spent in accordance with N.J.A.C. 5:97-8.7-8.9 as described in the sections that follow.

B. Projected Revenues for Certification Period

The Projected Revenues Form contained in Appendix B summarizes the projection of income to the Township's Housing Trust Fund over the certification period.

C. Administrative Mechanism to Collect Funds

The collection of development fee revenues will be consistent with the Eagleswood Township development fee ordinances for both residential and non-residential developments in accordance with COAH Rules and P.L. 2008, c.46, sections 8 (C.52:27D-329.2) and 32-38 (C.40:55D-8.1 through 8.7).

D. Description of Anticipated Use of Affordable Housing Trust Funds

The following briefly describes the items contained in the Township's Compliance Plan requiring funding from the Township's Affordable Housing Trust Fund. Satisfaction of the Township's remaining one unit rehabilitation obligation requires no municipal funding, relying instead upon the Ocean County CDBG Program. The Township's Compliance Plan

contains no new construction requiring municipal financial contribution.

1. Market to Affordable Program

The Township's Compliance Plan provides for a 10 unit market to affordable program consisting of 5 low and 5 moderate income units funded at a rate of \$30,000 for each low income unit and \$25,000 for each moderate income unit. The proposed schedule would be to fund 2 low income units in each of the first two years of the program (2010 and 2011); a low and moderate income unit in 2012; and a moderate income units in 2015, 2017 and 2018.

2. Accessory Apartment Program

The Township's Compliance Plan provides for a 10 unit accessory apartment Program consisting of 6 very low income units and 4 low or moderate units funded at a rate of \$30,000 for the very low units, \$25,000 for any low income units and \$20,000 for moderate units. The proposed schedule would be to fund 2 very low income units per year for 2010 and 2011; a low income unit in 2012 and 2013; and single low or moderate units in years 2014, 2016, 2017, and 2018.

3. Affordability Assistance

N.J.A.C. 5:97-8.8 requires Municipalities to spend a minimum of 30% of development fee revenue to render units more affordable and one third of the that amount to be dedicated to very low income households. The Township's spending plan provides 80 % of trust fund revenues to be expended for affordability assistance.

4. Administrative Expenses

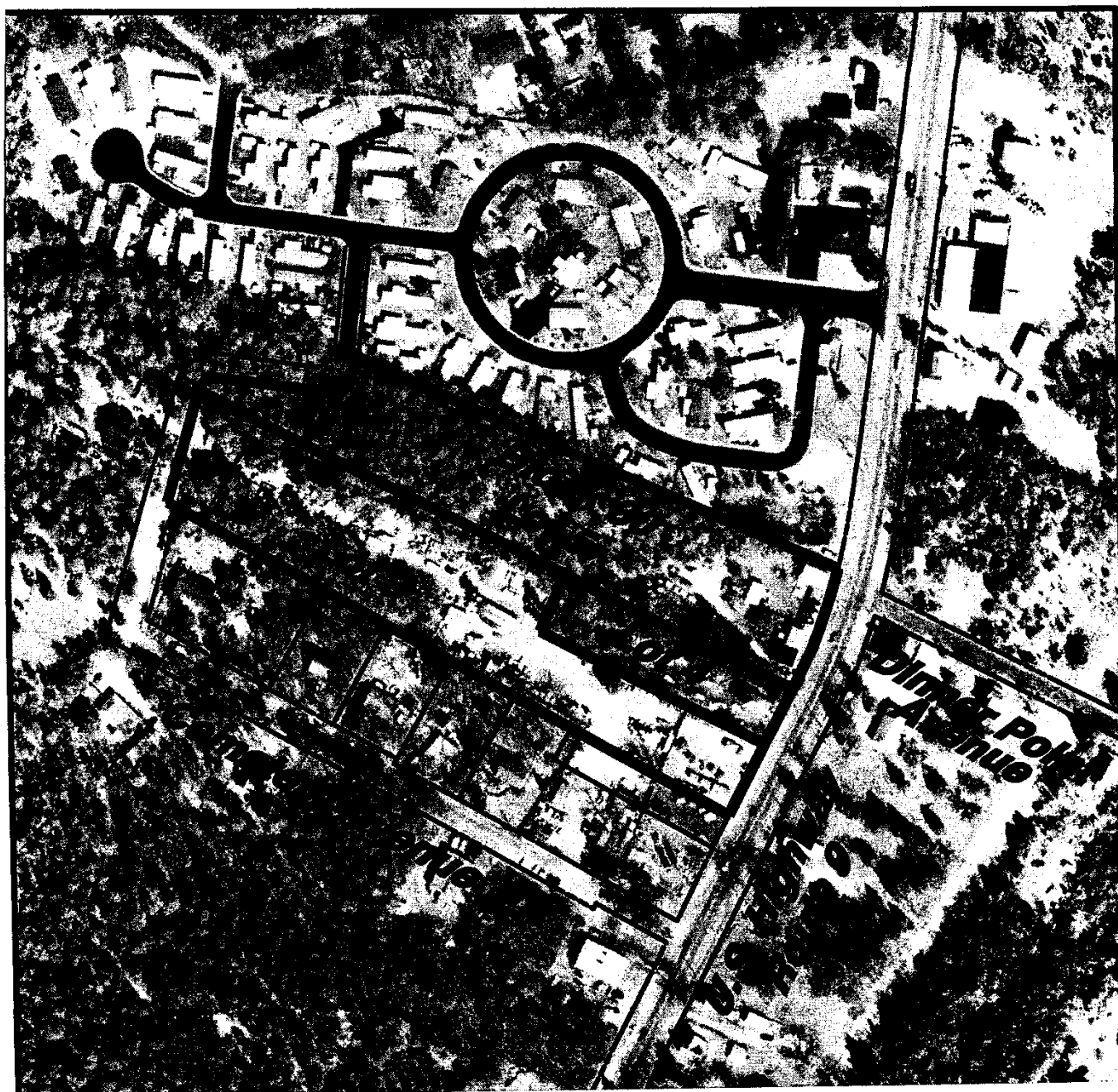
The Township intends to spend less than 20% of the trust fund revenues on administrative expenses including: salaries and benefits for municipal employees or consultant fees necessary to develop or implement an affordable housing program, a Housing Element and Fair Share Plan and/or affirmative marketing program, income qualification of households , monitoring the turnover of sale or rental units, preserving existing affordable housing, and COAH monitoring reporting.

E. Expenditure Schedule

The Township anticipates following the revenue expenditure schedule contained in Appendix B.

APPENDIX A

**ENVIRONMENTAL SITE ANALYSIS MAP
AFFORDABLE HOUSING SITE #5**



NOTE: NO WETLANDS ARE LOCATED ON ANY OF THE LOTS INVOLVED IN THIS ANALYSIS PER THE i-MAP NJDEP WEBSITE.

AFFORDABLE HOUSING, SITE #5
BLOCK 30, LOTS 3, 4 & 5
ENVIRONMENTAL SITE ANALYSIS MAP

TOWNSHIP OF EAGLESWOOD OCEAN COUNTY NEW JERSEY

ERNST, ERNST & LISSENDEN
ENGINEERS & SURVEYORS

P.O. Box 391 - 52 Myers Street, Toms River, New Jersey 08754
 Phone No. 732-349-2215 Fax No. 732-349-4127
 Certificate of Authorization #24GA27927500

JOHN J. MALLON

DATE

PROFESSIONAL ENGINEER, NEW JERSEY LICENSE No. 21895

DATE	REVISION	BY
------	----------	----

DATE:	1-Dec-08	DRAWN BY:	SA
SCALE:	1"=200'	CHECKED BY:	JM

CLIENT: EAGLESWOOD TOWNSHIP
 ACAD FILE: 08E1144.dwg

APPENDIX B

REVENUE PROJECTION/ REVENUE EXPEDITURE FORMS

SOURCE OF FUNDS	Projected Revenues-Housing Trust Fund - 2009 Through 2018										
	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	Total
(a) Res. Development fees:	\$18,000	\$18,000	\$18,000	\$18,000	\$18,000	\$18,000	\$18,000	\$18,000	\$18,000	\$18,000	\$ 180,000
(b) Non Res. Development fees:	\$7,500	\$7,500	\$1,000	\$1,000	\$1,000	\$1,000	\$1,000	\$1,000	\$1,000	\$1,000	\$ 23,000
(c) Payments in lieu (KJ&J):	\$56,000	\$56,000	\$56,000								\$ 168,000
(d) Interest	\$1,300	\$1,300	\$1,000	\$750	\$500						\$ 4,850
Total	\$82,800	\$82,800	\$76,000	\$19,750	\$19,500	\$19,000	\$19,000	\$19,000	\$19,000	\$19,000	\$375,850

Projected Expenditure Schedule 2009-2018											
PROGRAM	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018	Total
Market to Affordable Program		\$60,000	\$60,000	\$55,000	\$25,000		\$25,000		\$25,000	\$25,000	\$275,000
Accessory Apartment Program		\$60,000	\$60,000	\$30,000	\$30,000	\$25,000		\$25,000	\$25,000	\$25,000	\$280,000
Special Master	\$20,000										\$20,000
Administration	\$25,000	\$10,000	\$7,500	\$5,000	\$5,000	\$2,750	\$2,500	\$2,500	\$5,000	\$2,500	\$67,750
Total	\$45,000	\$130,000	\$127,500	\$90,000	\$60,000	\$27,500	\$27,500	\$27,500	\$55,000	\$52,500	\$642,500